

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James L. Padgett, Jr.)	C/A No. 5:10-1713-DCN-KDW
)	
Plaintiff,)	
Plaintiff,)	
vs.)	REPORT AND RECOMMENDATION
)	OF MAGISTRATE JUDGE
)	
Orangeburg County Sheriff's Dept;)	
Sheriff Leroy Ravenell; Lt. Stokes;)	
Director Willie Bamberg; Warden McKie;)	
Robert Peele; Don West, Owner-)	
Operator of West Towing Company;)	
Unknown Defendant, at Orangeburg)	
County Detention Center,)	
)	
Defendants.)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendants Warden McKie and Robert Peele filed a motion for summary judgment on December 20, 2011. ECF No. 136. As Plaintiff is proceeding pro se, the court entered an order on December 21, 2011, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. ECF No. 137. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motion may be granted, thereby potentially ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion.

On February 3, 2012, the court ordered Plaintiff to advise whether he wished to continue with the case by February 21, 2012. ECF No. 147. Plaintiff has filed no response.

As such, it appears to the court that he does not oppose the motion of Defendants Warden McKie and Robert Peele and wishes to abandon this action as to those Defendants. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute as to Defendant Warden McKie and Defendant Robert Peele. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

February 24, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**